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STUART D. SWORK
JENKENS & GILCHRIST, P.C.
3200 FOUNTAIN PLACE
1445 ROSS AVENUE
DALLAS, TX 75202-2799

In re application of

Gary D. Childres et al.

Application No. 10/715,007

Filed: November 17, 2003

For: RETRACTABLE TERRACE CANOPY :

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the request filed on June 28, 2005, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

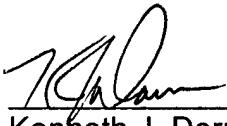
Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. For approval of such a request the following conditions must be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) There must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a);
- C) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided;
- D) The applicant or patent owner must have been notified of the withdrawal as provided for in 37 CFR 1.36.

10/715,007

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks condition A) above.

As to condition A), The request to withdraw as attorney in the above-identified application is not approved because the attorney signing the request does not now have power of attorney in this application.



Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6587

KJD/slb: 03/16/06